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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,472	03/24/2006	Frank Hoefler	287292US0PCT	9358
22850 7590 05/29/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER CHIANG, TIMOTHY S				
ART UNIT 1796		PAPER NUMBER		
NOTIFICATION DATE 05/29/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/573,472

**Applicant(s)**

HOEFER ET AL.

**Examiner**

TIMOTHY CHIANG

**Art Unit**

1796

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,9,12-15 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 4-6,8,10,11,16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

The following action is responsive to Applicant's response filed on 03/20/2009. Claims 1-2, 4-20 are currently pending. Claims 3 and 21 have been cancelled.

#### ***Response to Arguments***

1. Applicant's arguments, see pgs 9-12, filed 03/20/2009, with respect to claims 1-20 have been fully considered and are persuasive. All rejections pertaining to the above claims have been withdrawn.

#### ***Claim Rejections - 35 USC § 102***

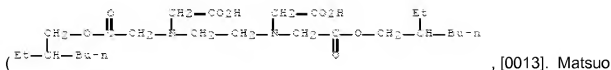
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, 7, 9, 12-15, 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuo (JP 3185323 hereinafter "Matsuo").

Regarding claims 1-2, Matsuo discloses a process for stabilizing a polymerizable compound comprising adding at least one free radical scavenger which comprises at (1) at least two glycine units and (2) at least one amide unit, at least one ester unit, or at least one amide unit and one ester unit



further discloses the ester unit to include  $\text{CH}_2\text{CH}_2\text{CH}_2\text{CH}_2\text{CH}(\text{C}_2\text{H}_5)\text{CH}_2$  [0013], satisfying the limitations of claim 2 where R7 and R8 are both C7 alkyl.

Regarding claim 7, Matsuo discloses R7 and R8 as both C7 alkyl [0013].

Regarding claim 9, Matsuo discloses X = C2 alkyl [0013].

Regarding claims 12-14, Matsuo discloses the process according to claim 1, further comprising adding at least one costabilizer (hydroquinones, [0006]).

Regarding claims 15 and 18, Matsuo discloses the process wherein the polymerizable compound consists of (meth)acrylic acid [0003].

Regarding claims 19-20, Matsuo is relied upon in the rejections above.

### ***Allowable Subject Matter***

2. Claims 4-6, 8, 10-11, 16-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Regarding claims 4-6, the prior art of record does not disclose or suggest the amide group(s) as claimed by the applicant usable in the free-radical scavenger compound. Nor does the prior art disclose the free-radical scavenger compound to include ester units consisting of the groups taught by claim 8, or the specific free radical scavengers listed in claim 10. The prior art of record does not disclose the taught range of free radical scavenger used as

0.1 to 1,000 ppm as taught in claim 11, nor the specified polymerizable compounds or claims 16 and 17.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY CHIANG whose telephone number is (571)270-7348. The examiner can normally be reached on Monday - Thursday 9:00AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TIMOTHY CHIANG/  
Examiner, Art Unit 1796  
05/26/2009

/Harold Y Pyon/  
Supervisory Patent Examiner, Art  
Unit 1796

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